

In the Matter of)
)
Applications to Assign Wireless Licenses) WT Docket No. 03-203
from WorldCom, Inc. (Debtor-in-Possession))
to Nextel Spectrum Acquisition Corp.)

1

Introduction

Red New York E is the licensee (on the E channels) of MMDS Station WLR500 in New York City, operating from the Empire State Building. Veritas is the licensee (on Channel H-3) of MDS Station WNEK-864 in Boston, Massachusetts, operating from One Financial Center. Until their channel leases with a WorldCom subsidiary were "rejected" during the WorldCom bankruptcy court, Red New York E and Veritas were lessors and a WorldCom subsidiary was the lessee under those leases. Each lease specifically entitled the respective Petitioner to acquire from the lessee any equipment necessary to continue transmission of its station's signals, and also whatever right or permission might be necessary to continue to make use of the station's transmission site, thereby enabling each Petitioner to continue to operate in accordance with its license. Petitioners are prepared pay Nextel in accordance with these terms of the leases in order to retain the ability of their respective stations to operate in accordance with their licenses. With the "Rejection" of the leases, however, Petitioners have lost this right.²

In their Petition to Deny the above applications, Petitioners showed that (1) they have standing as parties in interest to file their Petition, and (2) if the Commission grants the application, the public interest would be served only if those grants are conditioned to require that Petitioners be afforded access to their respective transmission facilities so as to be able to continue to operate. In their "Joint Opposition to Petitions to Deny," WorldCom and Nextel contested both of these showings. We show below that Petitioners' contentions were and are correct.

² See Petition at 1-3. These statements are uncontested.

Petitioners are Parties in Interest to the Above Applications

Petitioners showed that they are parties in interest because they would be aggrieved and their interests would be adversely affected in two ways by the loss of the right to operate with their licensed facilities from their licensed sites. First:

"As a minimum, each Petitioner will be required to assume the cost, time and trouble of finding a new site for each station, prosecuting an application before the Commission for consent to modify the license of its station, and acquiring new facilities and site lease arrangements to permit the move of the station to a new location."³

And, second, loss of the ability to operate as specified in their licenses could place the licenses themselves at risk because:

"As the Commission is aware, interleaved MMDS stations avoid causing interference to each other by co-locating and matching their radiation patterns exactly so as to avoid adjacent channel interference. Once this co-location is broken, interference is inevitable. As has been made particularly clear in the current 2.5 GHz rule making proceeding, WT Docket No. 03-66, the present interference rules for MMDS and ITFS make new and changed installations virtually impossible in congested areas such as New York and Boston. Consequently, if Petitioners lose the ability to continue to operate their stations from their present sites, they must expect to be unable to return those stations to service until such time as the Commission adopts new interference and related rules for the 2.5 GHz band. Consequently, under Section 21.303 of the Commission's Rules, the Petitioners would be faced with loss of the licenses for stations WLR-500 and WNEK-864 unless the Commission were to waive the application of that rule."⁴

WorldCom/Nextel concede that the Petitioners' loss of the ability to operate in accordance with their licenses will "harm [Petitioners]. . . private economic interests."⁵ And they do not dispute the statement quoted above to the effect that such loss would put Petitioners' licenses at risk. Thus both of Petitioners' factual assertions in support of their standing to file their Petition have been conceded by WorldCom/Nextel.

³ Petition to Deny at 4.

⁴ *Ibid.*

⁵ Opposition at 7; *and see* Opposition at 8.

WorldCom/Nextel's argument against Petitioners' standing is that the injury Petitioners have shown is a product of the rejection of their lease agreements as authorized in the bankruptcy proceeding, that the licenses which are the subject of the above applications are not Petitioners' licenses, and that therefore there is no nexus between the issues Petitioners raise and the applications.⁶ Upon analysis, this argument proves to be unavailing.

It is true that the lease rejections flow from the bankruptcy proceeding. As a result, the Petitioners have not claimed injury in the instant proceeding from Petitioners' loss of revenues as a consequence of lease rejection. The injury Petitioners have claimed is quite different.

Among the assets which are proposed to be assigned to Nextel out of the bankruptcy proceeding are the physical assets and site leases that are essential to permit Nextel to operate the licensed stations it proposes to acquire from WorldCom. Those assets include incumbent licenses in New York and Boston, as well as the underlying Basic Trading Areas for these markets, and the New York and Boston site leases where both WorldCom's licenses and Petitioners' licenses are currently authorized (as a direct result of the now-rejected lease agreements, which called for Petitioners to collocate with their lessees at these facilities. The proposed New York and Boston station license assignments would be nugatory except for the fact that the physical facilities are also proposed to be assigned. Their assignment is therefore integral to the above applications.⁷

They are also, of course, the same physical facilities that until very recently have been employed to transmit the signals of Petitioners' stations. We say "until very recently" because on

⁶ Joint Opposition at 4-5.

⁷ See Asset Purchase Agreement by and among WorldCom, Inc., Certain Subsidiaries of WorldCom, Inc., Nextel Spectrum Acquisition Corp., and Unrestricted Subsidiary Funding Company, dated as of July 8, 2003, submitted as an exhibit to the subject applications (the "Purchase Agreement"). By grant of the applications, the Commission will also be approving, at a minimum, those sections of the Purchase Agreement that transfer the FCC licenses, and related assets, such as the accompanying and necessary tower leases, to Nextel.

November 14 WorldCom terminated operation of Station WLR-500 and on November 18 it terminated operation of Station WNEK-864.⁸ As Petitioner stated without contradiction in the Petition,

"as the Commission is aware and as the documents associated with the above applications disclose, WorldCom is in the process of assigning to Nextel both the equipment and the site availability rights"⁹

which have been employed in the operation of Petitioners' stations. It would therefore cost Nextel nothing to permit Petitioners to continue to operate their stations in accordance with their licenses. Indeed, Nextel would obtain revenue from granting such permission, since, as Petitioners stated in the Petition, they are prepared to pay Nextel as called for in their respective leases.¹⁰ Petitioners do not claim party in interest standing here because their leases were terminated, but because assignment of the facilities upon which they have been relying for the operation of their stations in accordance with their licenses is an integral part of the proposal set out in these applications for the assignment of licensed stations to Nextel, but without any provision for Petitioners to be able to continue to make use of those facilities in the operation of their stations.

WorldCom and Nextel have made provisions for ITFS licensees whose WorldCom leases were rejected to continue to use equipment and tower facilities even after Nextel assumes WorldCom's spectrum assets.¹¹ Although it is true, as pointed out in the Opposition, that the *Turner Principle*¹² applies to ITFS licensees, the public interest benefit remains the same: allowing incumbent licensees to continue operations after a lease is terminated due to circumstances be-

⁸ The Commission was notified to this effect by letters from undersigned counsel on November 20, 2003.

⁹ Petition at 3.

¹⁰ *Id.* at 2.

¹¹ Purchase Agreement at § 7.26(b) and 7.29(b), as amended.

¹² *Turner Independent School District*, 8 FCC Rcd 3153, 3155 (1993); see Joint Opposition at 8.

beyond their control, especially when, as demonstrated below, those licensees may be prevented from operating without continued access provisions.

It is clear, therefore, that Petitioners have been injured, and therefore have standing as parties in interest herein, by the proposal of the applicants to accomplish the assignments proposed in their applications while at the same time refusing take the step they have agreed to take with respect to co-located ITFS stations, which is that

"after Closing, Nextel will continue to provide access to the tower sites and to the common equipment to ITFS licensees whose leases have been rejected."¹³

In view of the foregoing, Petitioners submit that they have established their standing as parties in interest to the instant applications.

The Public Interest

Petitioners contended in their Petition that a grant of the instant applications would, unless properly conditioned, be anticompetitive because:

... "[U]nconditioned grant of the above applications will permit Nextel to put Petitioners, and presumably a number of other licensees who are similarly situated, off the air for a substantial period of time, and potentially could deprive them of their licenses, and thus their ability to compete with Nextel. Petitioners are readying themselves to compete actively in the provision of low power cellularized communications services as soon as the Commission's Rules are revised to permit the provision of such service. If, as the result of being forced off of their present transmission locations, Petitioners lose their licenses they will, of course, be prevented from engaging in such competition by means of Stations WLR-500 and WNEK-864."¹⁴

WorldCom/Nextel seek to dismiss "these assertions as wholly speculative" and because the shape of future competition is now unknown, and Nextel can in any case be expected to face

¹³ Joint Opposition at 7.

¹⁴ Petition at 5.

strong competition.¹⁵ Petitioners submit that the threat posed to competition may not be dismissed so easily.

First, it is not speculation to say that if Petitioners are unable to operate with their currently licensed facilities, interference considerations will in all probability preclude them from being able to resume operations at other sites while the present rules are in effect.¹⁶ While Petitioners thought that this was well known and generally conceded, in light of the WorldCom/Nextel "speculative" assertion, we are attaching as Exhibit 1 to this Reply an Engineering Statement of Carl T. Jones, Jr. which shows the near-impossibility of relocation, at least without the full cooperation of co- and adjacent channel licensees who would have to be willing to accept significant interference. As is well illustrated by the multi-year history of Red New York E's ultimately successful efforts to achieve necessary acquiescence by such licensees, such cooperation cannot be expected on a timely basis. Such licensees may well be of the view that it is not in their interests to accept substantial interference in order to permit Petitioners' stations to resume operation on a timely basis.

Finally, whether or not Nextel now knows the exact shape that competition will take, it does not require detailed information or sophisticated economic fact-based analysis for the

¹⁵ Joint Opposition at note 14.

¹⁶ As stated earlier, Petitioners are fully prepared to pay for their requested access rights and to support the operations of their stations. This is not a question of Petitioners not having the financial ability as WorldCom/Nextel imply. Furthermore, it is not a case of a commercial licensee not fulfilling its regulatory responsibilities, as WorldCom/Nextel also imply. As the Commission is aware (and is currently addressing in WT Docket No. 03-66), MDS/MMDS is a unique service because licensees have spent many years colocating at shared tower sites and sharing equipment through lease agreements with operators, pursuant to Commission authority. As demonstrated in the attached, this arrangement makes it a near-impossibility for a licensee to relocate as a result of the Commission's interference rules which require numerous consents from other licensees (most of whom are under the control of WorldCom/Nextel), even though the licensee is financially capable and compliant with applicable regulations.

Commission to find that competition would be adversely affected if Petitioners' licenses were to be lost while Nextel's control of the spectrum was correspondingly expanded. Since a grant of the instant applications would assign the MMDS BTA licenses for both New York City and Boston to Nextel, that is exactly what would happen.¹⁷

All that Petitioners seek is a condition on the grant of the above applications that affords Petitioners access to Nextel's sites and transmission facilities in New York City and Boston for which Petitioners may pay Nextel to allow them to continue to provide service in accordance with their present licenses until such time as they can seek modification of those licenses in accordance with the new technical rules the Commission is considering in the 2.5 GHz proceeding.¹⁸

Respectfully submitted,

Veritas LLC
Red New York E Partnership

By


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Suite 100
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Their Counsel

November 24, 2003

¹⁷ See 47 C.F.R. § 21.9

¹⁸ WT Docket No. 03-66



EXHIBIT 1:
ENGINEERING STATEMENT OF CARL T. JONES, JR., P.E.
REGARDING PREDICTED INTERFERENCE RESULTING FROM
RELOCATION OF MMDS STATIONS WLR500 AND WNEK864

I am a Consulting Engineer, president of Carl T. Jones Corporation, with offices located in Springfield, Virginia. My education and experience are a matter of record with the Federal Communications Commission. I am a Registered Professional Engineer in the Commonwealth of Virginia, Registration No. 13391.

This office has been retained by Red New York E Partnership, licensee of MMDS Station WLR500, New York, New York, and Veritas LLC, licensee of MMDS Station WNEK864, Boston, Massachusetts, to perform interference studies to affected ITFS and MMDS stations under the assumption that WLR500 and WNEK864 are required to relocate their transmission facilities.

WLR500, New York, New York

Station WLR500 is licensed to operate on the E Channel Group in New York City. The station's transmission facilities are located at the Empire State Building. WLR500 is collocated with MMDS adjacent channel station WMY467 (F Channel Group)¹ and ITFS adjacent channel station WHR520 (D Channel Group)². There are three grandfathered, co-

¹ The E Group and F Group channels are interleaved such that each of the four E channels is adjacent to either one or two F channels.

² Channel E1 is adjacent to Channel D4

channel ITFS stations operating well within the 35 mile Protected Service Area (PSA) of WLR500. These stations are KRS82, New York, New York (12.41 miles), KRS83, Yonkers, New York (14.2 miles) and KNZ65, Uniondale, New York (21.34 miles). The location of the E Channel Group stations and their associated PSAs are shown on the map of Figure 1. Because of the close spacing of these stations, there is existing predicted mutual interference between WLR500 and each of the three ITFS stations over large portions of each station's PSA. The extraordinarily close spacing between the E Group co-channel stations in the New York market, make it extremely difficult, if not impossible, to design a new transmission facility for WLR500 that will not result in an increase in predicted interference to one or more of the ITFS stations.

Sections 21.902(b)(3) and 21.902(f)(1) of the Commission's Rules require that, absent agreement with each affected co-channel station, any proposed modification to the transmission facilities of WLR500 must provide interference protection to other co-channel ITFS stations based on a desired to undesired (D/U) signal ratio of at least 45 dB. Where existing predicted interference is present, there can be no new interference area created by any proposed modification of the WLR500 licensed facility.

In order to evaluate the potential for new co-channel interference to be created by a relocation of WLR500, interference studies were performed to co-channel ITFS station KRS83, Yonkers, New York. Two relocation scenarios were studied. In the first scenario, relocation to the nearby 4 Times Square Building was assumed. In the second scenario relocation to the nearby Chrysler building was assumed. These buildings were selected for study because of their proximity to the Empire State Building and the fact that each building's height is at least that of the current WLR500 licensed antenna height at the

Empire State Building. The 4 Times Square Building is 0.87 kilometers (0.54 miles) from the Empire State Building on a bearing of 358.6 degrees True and the Chrysler Building is 0.976 kilometers (0.606 miles) from the Empire State Building on a bearing of 69.6 degrees True. In both scenarios, WLR500 is assumed to operate at its presently licensed power and antenna height and with its licensed antenna pattern.

The “Free Space + RMD” propagation model was used to predict received signal strength from each station under the two relocation scenarios. The WLR500 and KRS83 licensed operating parameters were used in the model along with the licensed antenna patterns. The reference receive antenna characterized in Figure 1 of Section 21.902(f)(3), was used in the model to predict the received signal from the desired and undesired stations. A minimum received power threshold of -70 dBm was assumed to be the extent of the KRS83 service area within its PSA. Interference was only assumed present where the desired station’s received signal power was greater than -70 dBm and the D/U ratio was less than 45 dB. If the undesired signal was less than -106 dBm (thermal noise floor), no interference was assumed present. Interference from other co-channel and adjacent channel stations was not considered in the study.

The results of the co-channel interference study for the 4 Times Square Building relocation scenario is shown on the map of Figure 2. The green shaded area on the map represents the area where existing co-channel interference is predicted to occur to the KRS83 service area from the licensed operation of WLR500. The red shaded area represents the area in which new interference is predicted to occur as a result of relocating WLR500 to the 4 Times Square Building. The population within the new interference area is 101,519 persons based on 2000 census data.

Relocation of WLR500 to the Chrysler Building also results in the creation of new predicted interference to KRS83. The green shaded area on the map of Figure 3 again represents the area that is predicted to receive interference from the licensed operation of WLR500. The red shaded area is the area predicted to receive new interference from the assumed relocation of WLR500 to the Chrysler Building. The population within the new interference area is 121,990 persons.

For collocated adjacent channel stations, the adjacent channel interference protection criterion can be more restrictive than that for co-channel interference. Sections 21.902(b)(4) and 21.902(f)(2) of the Commission's Rules require that, absent agreement with each affected adjacent channel station, any proposed modification to the transmission facilities of WLR500 must provide interference protection to other adjacent channel MMDS stations based on a desired to undesired (D/U) signal ratio of at least 0 dB (at least 10 dB with respect to adjacent channel ITFS stations).

Similar to the co-channel E Group situation, there are several closely spaced adjacent channel stations licensed to New York City and adjacent markets as shown in Figure 4. The station that presents the greatest restriction to any contemplated relocation of WLR500 is collocated adjacent channel station WMY467.³ WMY467 utilizes a directional antenna to provide service over an arc of approximately 180 degrees in a general northwest direction. The transmitting antenna is located on the northwest face of

³ Although adjacent channel station WHR520 is also collocated with WLR500, its transmitted signal is cross polarized to that of WLR500 such that there is an additional 20 dB of receive antenna discrimination that reduces the impact of any change to the technical facilities of WLR500.

the Empire State Building and the shielding of the building combined with the directionality of the antenna prevents radiation to the southeast. WRL500 uses two directional antennas, one on the northwest face of the building and one on the southeast face, to provide essentially omni-directional coverage. In order to maintain at least a 0 dB D/U signal ratio within each stations service area, both stations operate their northwest facing transmission systems at the same effective radiated power and antenna height and utilize the same directional antenna pattern and orientation. In circumstances where two adjacent channel stations are collocated and operate with the same technical facilities, any modification of the transmission facilities of one station will result in predicted interference to or from the other station based on the Commission's adjacent channel interference definition. Thus, absent agreement, the stations are frozen in place with respect to each other based on the present adjacent channel interference Rules.

Studies were performed to evaluate the potential for adjacent channel interference resulting from assumed relocation of WRL500 to the 4 Times Square Building and the Chrysler Building. The "Free Space + RMD" propagation model was again used to predict received signal strength from each station under each relocation scenario. The WLR500 and WMY467 licensed operating parameters were used in the model along with the licensed antenna patterns with one exception. The gain of each station's antenna(s) was set to .001 for bearings greater than 90 degrees from the bearing of maximum radiation. This modification to each stations antenna pattern approximates the shielding effect of the Empire State Building in the minor lobe regions of the pattern.

The reference receive antenna characterized in Figure 1 of Section 21.902(f)(3), was used in the model to predict received power from the desired and undesired station.

Interference was only assumed present where the desired station's received signal power was greater than -70 dBm and the D/U ratio was less than 0 dB. Interference from other co-channel and adjacent channel stations was not considered in the study. The resulting predicted service areas of WLR500 and WMY467 are shaded in blue on the maps of Figures 5 and 6, respectively. No adjacent channel interference is predicted to occur between the licensed facilities of the two stations.

Relocation to the 4 Times Square Building is predicted to result in interference (D/U less than 0dB) to WMY467 within the areas shaded in red on the map of Figure 7. The population within the predicted interference area is 1,212,483 persons based on 2000 census data. The blue shaded area represents the remaining service area of WMY467 that is not predicted to receive interference from WLR500 under this relocation scenario. WLR500 will also receive predicted interference from WMY467 under this relocation scenario as shown in red on the map of Figure 8. The population within the WLR500 predicted interference area is 97,319 persons.

Under the assumption that WLR500 relocates to the Chrysler Building, WLR500 will be the primary recipient of interference from WMY467. The red shaded areas on the map of Figure 9 represent that portion of the WLR500 service area that is predicted to receive interference from WMY467. The population within the interference area is 1,371,370 persons based on 2000 census data. The portion of the WMY467 service area that is predicted to receive interference from WLR500 under this relocation scenario is shaded in red on the map of Figure 10. The population within the predicted interference area is 117,167 persons.

WNEK864, Boston, Massachusetts

Station WNEK864 is licensed to operate on Channel H3 in Boston, Massachusetts. The station's transmission facilities are located at One Financial Center. WNEK864 is collocated with adjacent channel ITFS station KLC85 (G Channel Group)⁴. The location of other H3 and G Channel Group stations in Boston and adjacent markets is shown on the map of Figure 11.

Stations WNEK864 and KLC85 operate with nearly identical⁵ omni-directional transmission facilities to maintain a predicted 0 dB D/U signal level throughout their service areas. Any proposed relocation of WNEK864 will require equivalent protection to KLC85. In order to evaluate the potential impact of relocation of WNEK864, a hypothetical relocation site was selected 0.5 miles west of the licensed site. It was assumed that WNEK864 operates with its currently licensed technical parameters at the hypothetical relocation site. Propagation analyses were performed using the same model and same assumptions as those described above for WLR500. The red shaded area on the map of Figure 12 represents that portion of the KLC85 service area that is predicted to receive interference (D/U signal ratio less than 0dB). The population within the predicted interference area is 1,025,316 persons based on 2000 census data. On the map of Figure 12, the blue shaded area represents the remaining service area of KLC85 that is not predicted to receive interference from WNEK864 under the relocation scenario.

⁴ Channel H3 is adjacent to Channels G3 and G4.

⁵ There are slight differences in the licensed parameters of the two stations. Specifically, the ERP of KLC85 is 0.3 dB greater than that of WNEK864 and the antenna height of KLC85 is 0.1 meters higher than that of WNEK864. For the purposes of the interference analysis herein, it was assumed that the transmission facilities of the two stations are identical.

WNEK864 is also predicted to receive interference from KLC85 under the relocation scenario. The red shaded area on the map of Figure 13 is the area in which WNEK864 is predicted to receive interference from KLC85. The population within this area is 941,520 persons.

Conclusions

The results of the interference analyses described above indicate that relocation of WLR500 or WNEK864, even within the immediate vicinity of the present licensed site of each station, will result in substantial predicted interference to the collocated adjacent channel stations at each licensed site and, in addition, will result in substantial predicted received interference. Further, in the case of WLR500, relocation within the immediate vicinity of the present licensed sight will result in predicted co-channel interference to ITFS station KRS83. Further, interference protection requirements to other closely spaced co-channel and adjacent channel ITFS stations in the New York market will, in all likelihood, require WLR500 to substantially reduce radiated power over large arcs of its present service area, or obtain consent from one or more ITFS licensees to allow an increase in predicted interference within the affected station's protected service area, or both.

Based on the results of this study, it is my opinion that, as a practical matter, neither WLR500 nor WNEK864 will be able to relocate their technical facilities under the present Rules without, at a minimum, the consent of the collocated adjacent channel licensee at each site and, in all likelihood, in the case of WLR500, the consent of one or more additional licensees in the New York market.

STATEMENT OF CARL T. JONES, JR
WLR500, NEW YORK, NY AND WNEK864, BOSTON, MA
PAGE 9

This engineering statement and the attached figures were prepared by me or under my direct supervision and are believed to be true and correct.

DATED: November 24, 2003



Carl T. Jones, Jr., P.E.

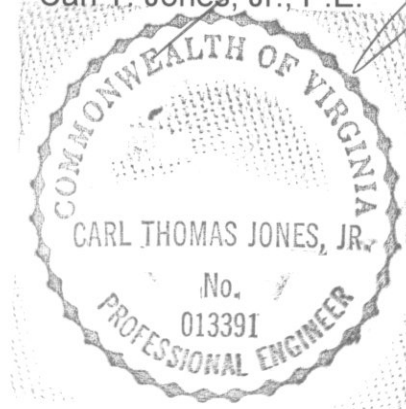


FIGURE 1

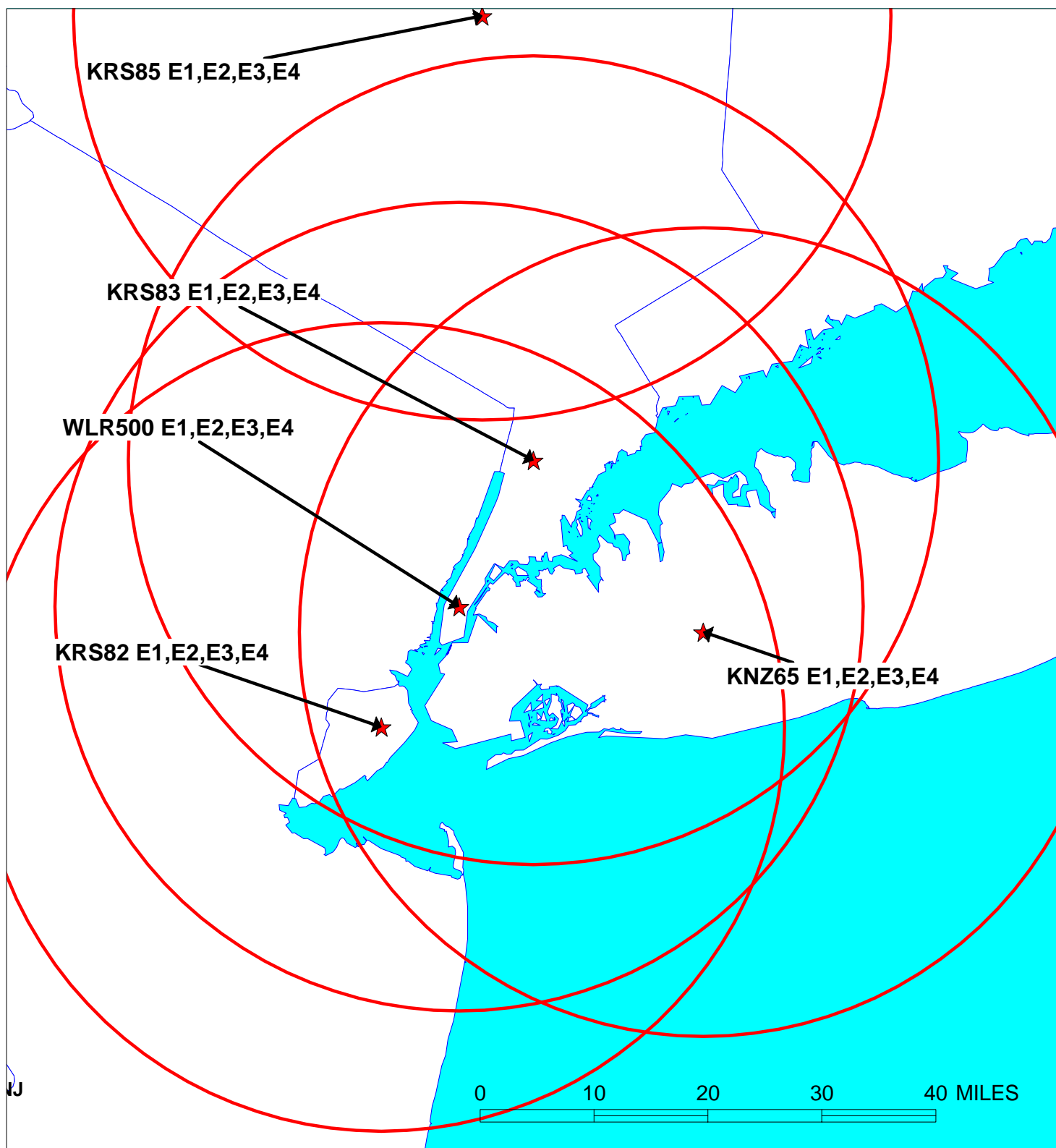
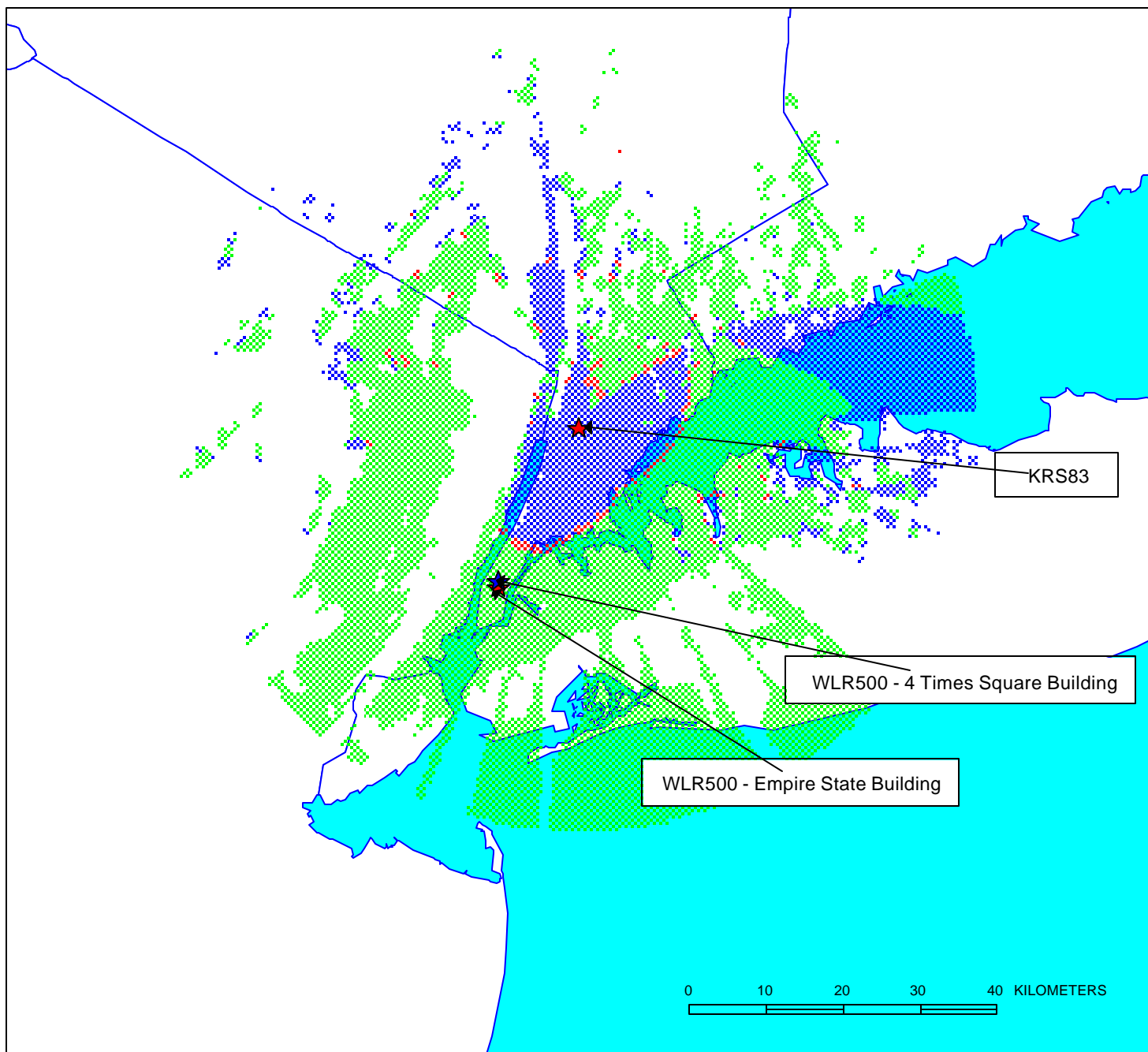


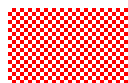
FIGURE 2



KRS83 Received Power Greater Than -70dBm
and D/U Greater Than 45dB



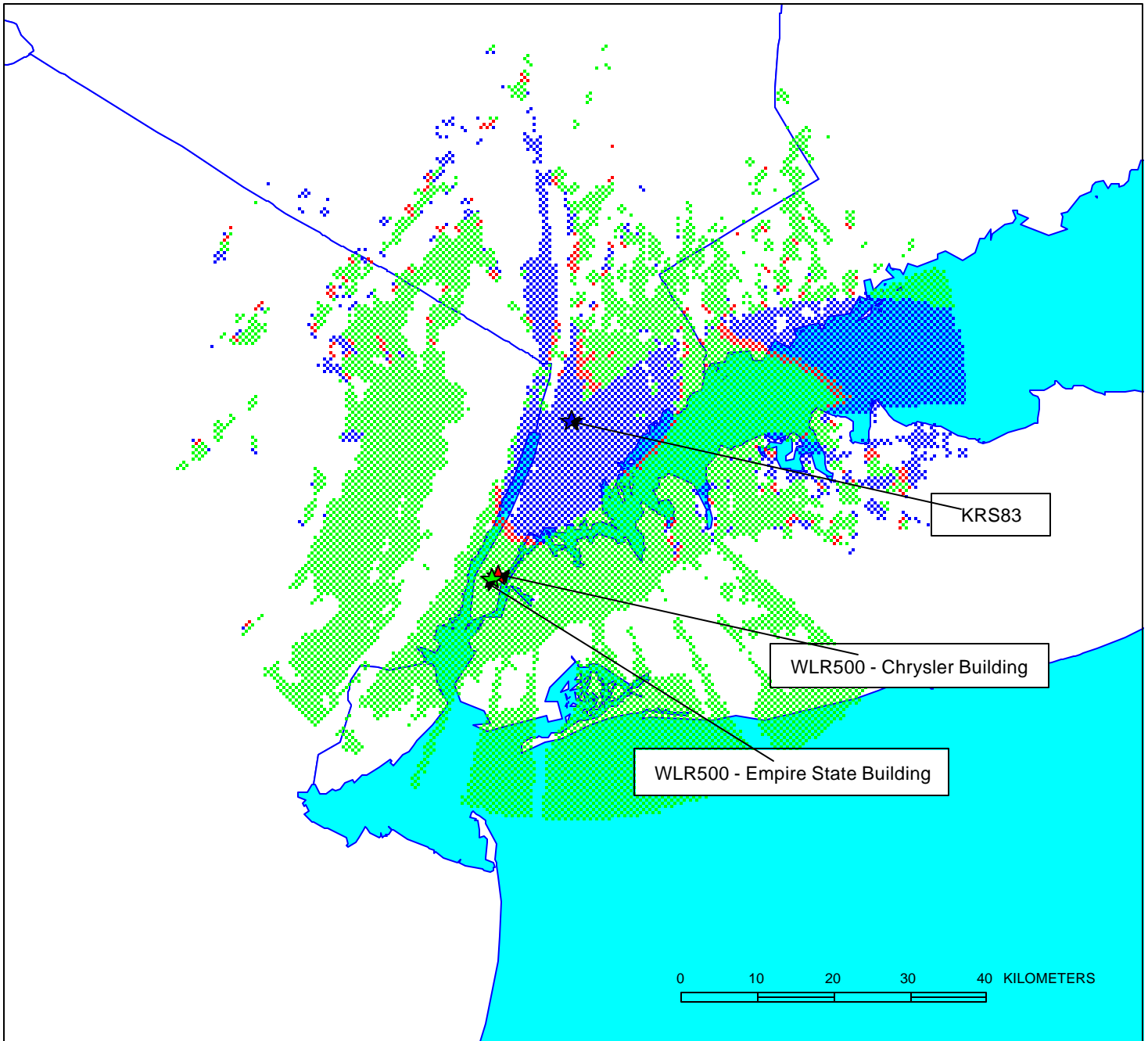
D/U Ratio Less Than 45dB - WLR500 on Empire State as Undesired
(Existing Predicted Interference Area)






D/U Ratio Less Than 45dB - WLR500 on 4 Times Square Building as Undesired
(New Predicted Interference Area)
Population: 101,519

**KRS83 PREDICTED SERVICE AND INTERFERENCE AREAS
WLR500 AT 4 TIMES SQUARE BUILDING
KRS83 AT LICENSED FACILITY
NEW YORK CITY, NY**

FIGURE 3



-  KRS83 Received Power Greater Than -70dBm and D/U Greater Than 45dB (no predicted interference)
-  D/U Ratio Less Than 45dB - WLR500 on Empire State (Existing Predicted Interference Area)
-  D/U Ratio Less Than 45dB - WLR500 on Chrysler Building (New Predicted Interference Area)
Population: 121,990

*KRS83 PREDICTED SERVICE AND INTERFERENCE AREAS
WLR500 AT CHRYSLER BUILDING
KRS83 AT LICENSED FACILITY
NEW YORK CITY, NY*

FIGURE 4

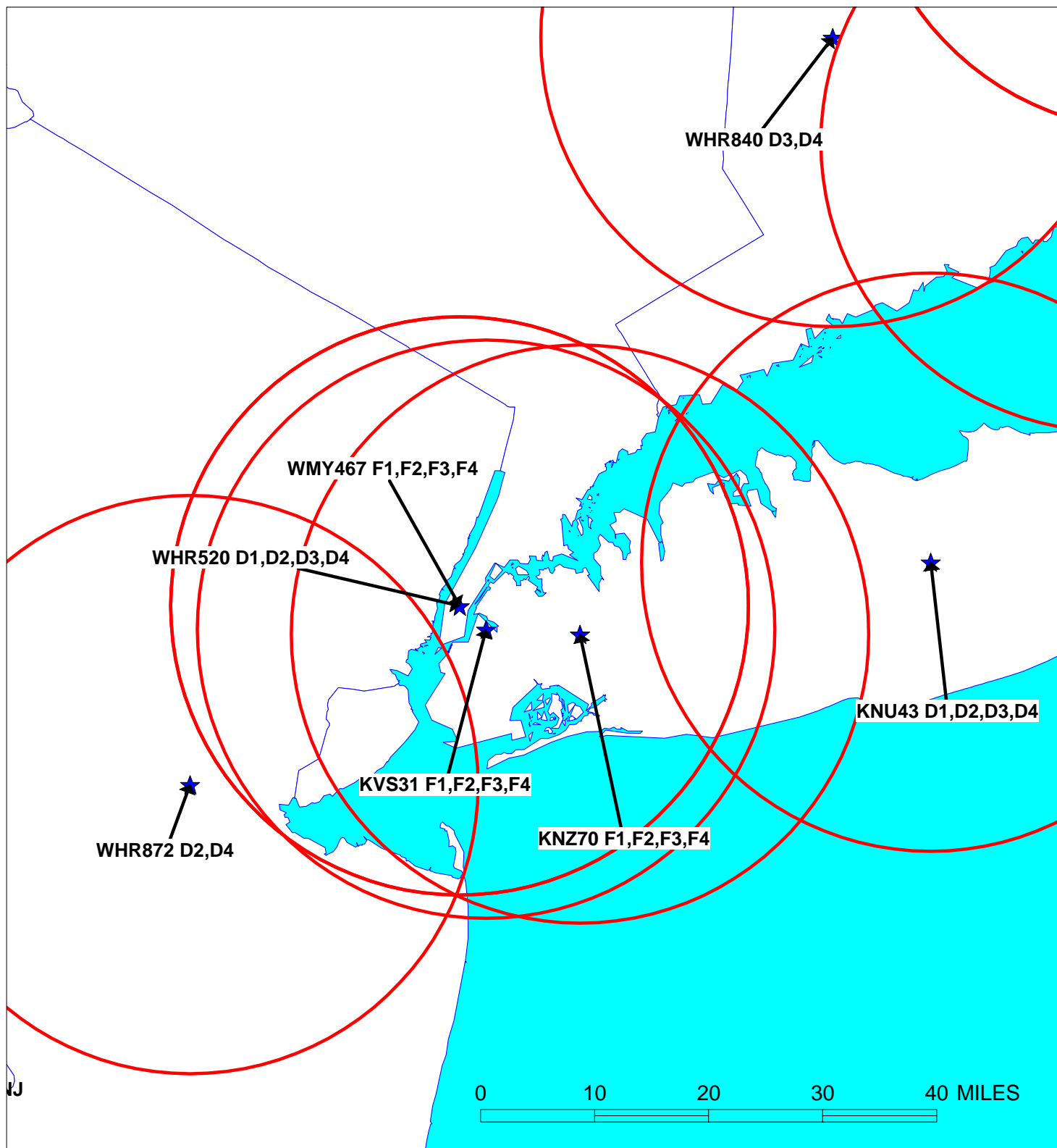
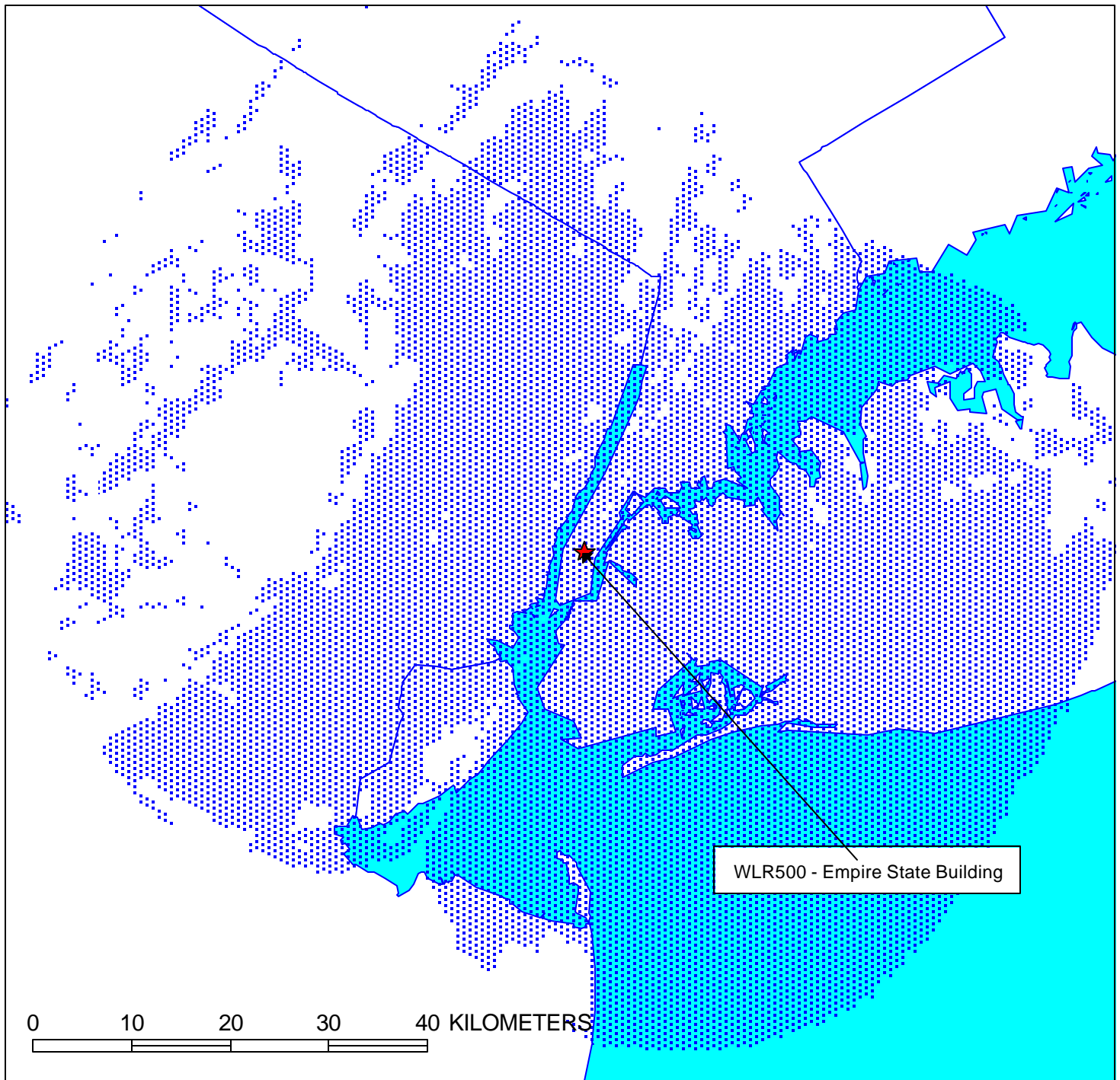
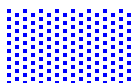


FIGURE 5



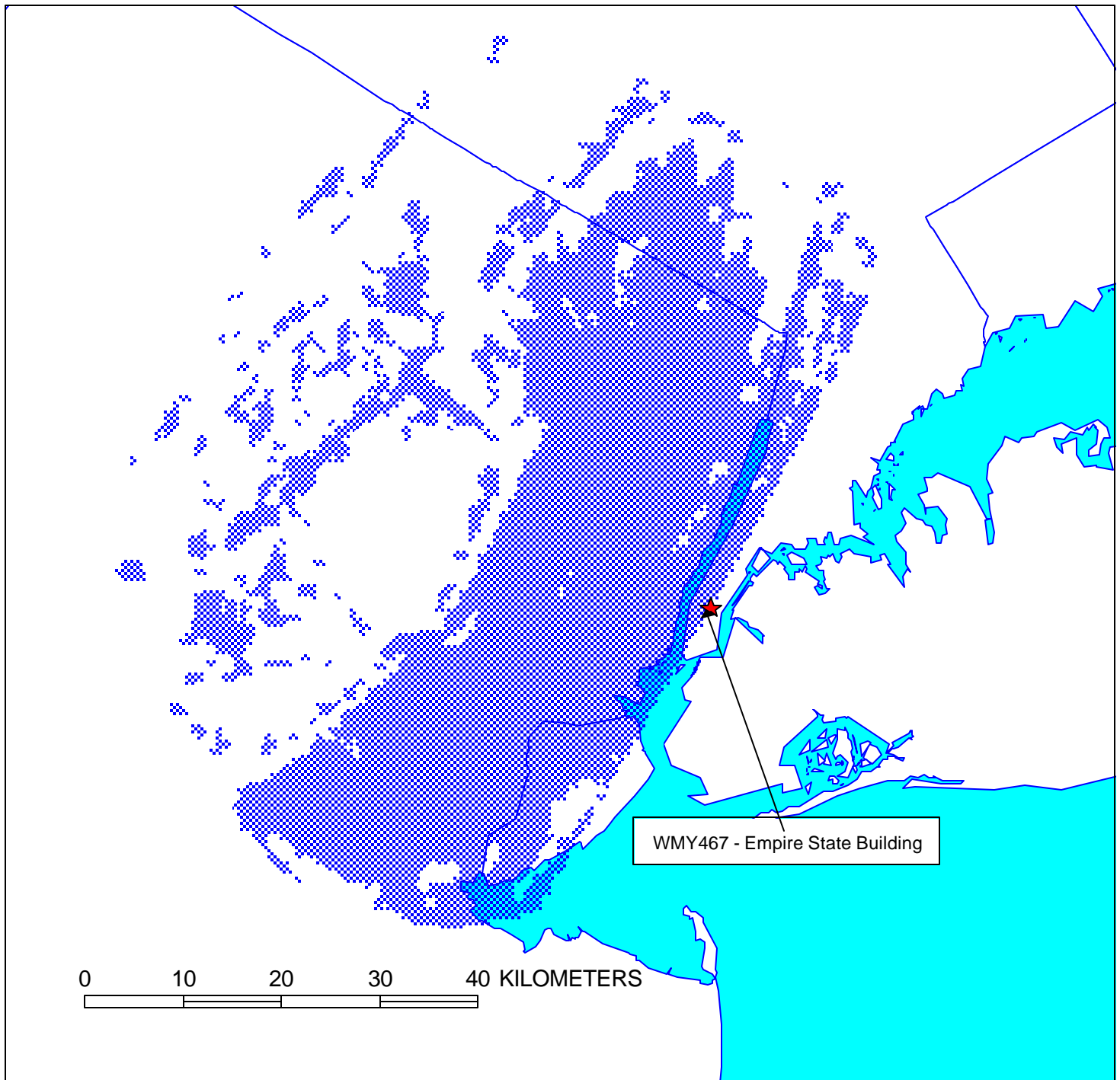
WLR500 - Empire State Building



Received Signal Power Greater Than -70dBm
Population: 13,288,941

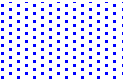
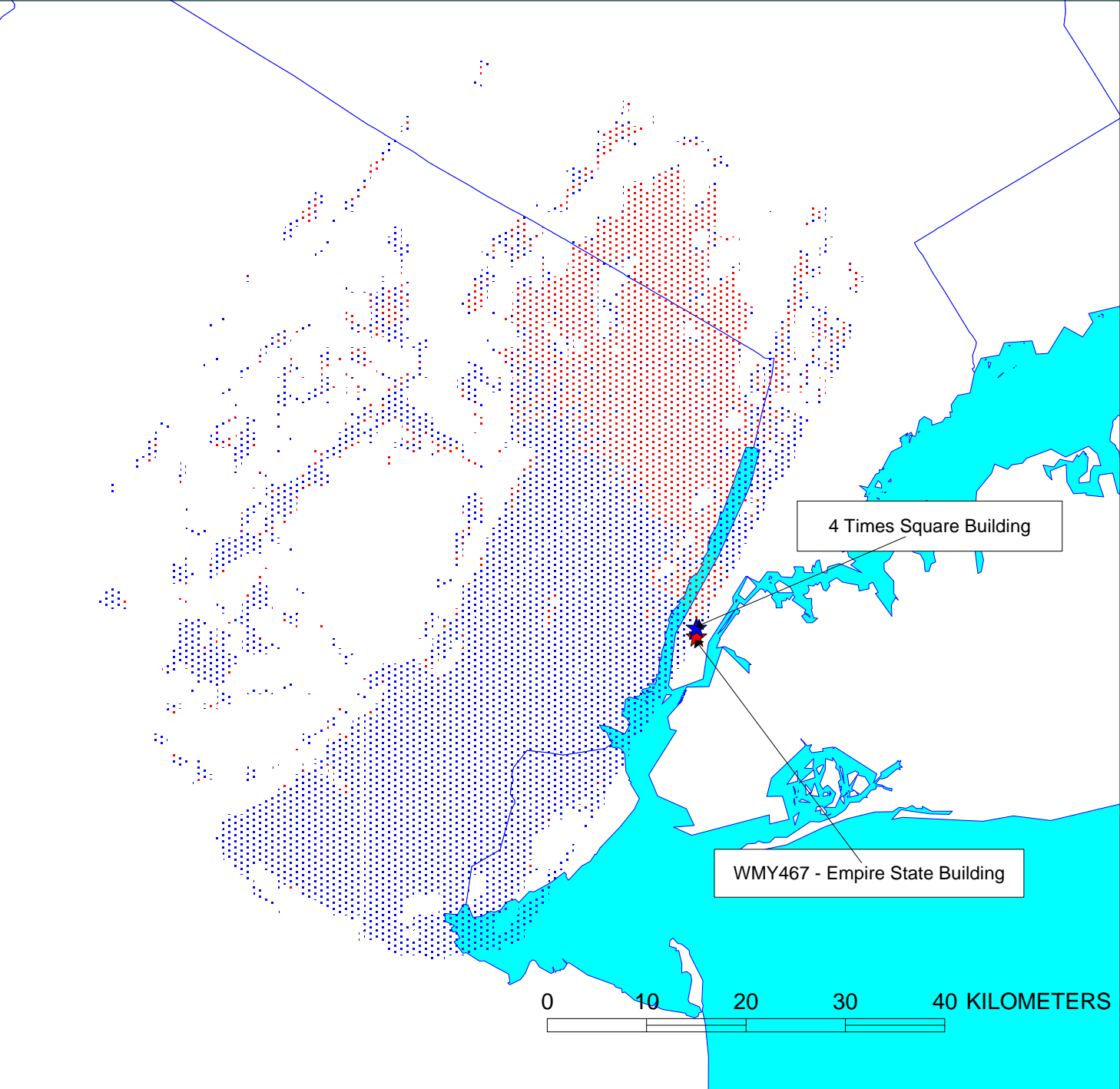
WLR500 PREDICTED SERVICE AREA
AT LICENSED EMPIRE STATE BUILDING SITE
NEW YORK CITY, NY

FIGURE 6

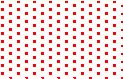


 WMY467 Received Signal Power Greater Than -70dBm
Population: 4,911,260

FIGURE 7

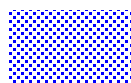
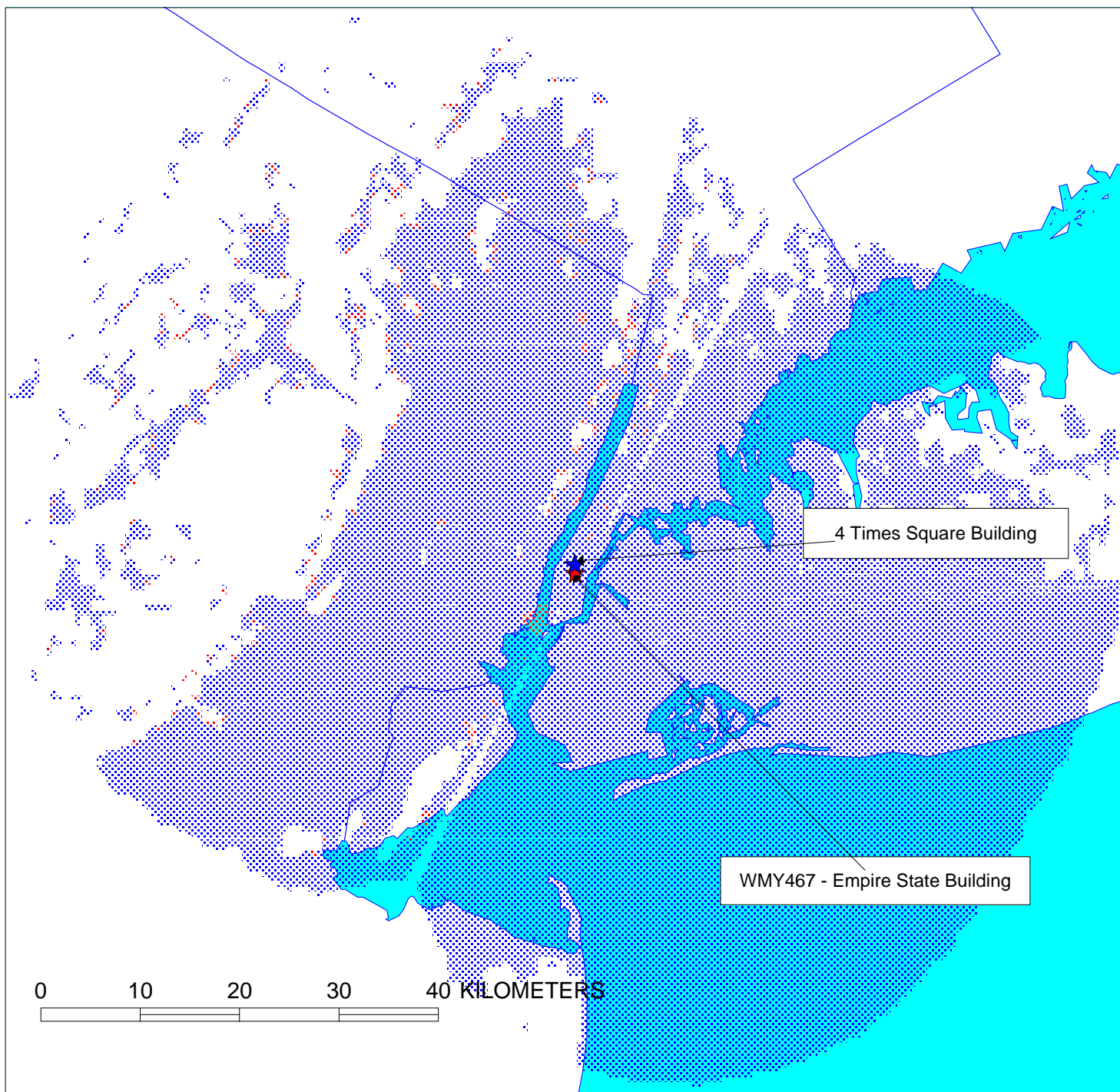


WMY467 Received Power Greater Than -70dBm
Population: 4,911,260



D/U Ratio Less Than 0dB
Population: 1,212,483

FIGURE 8



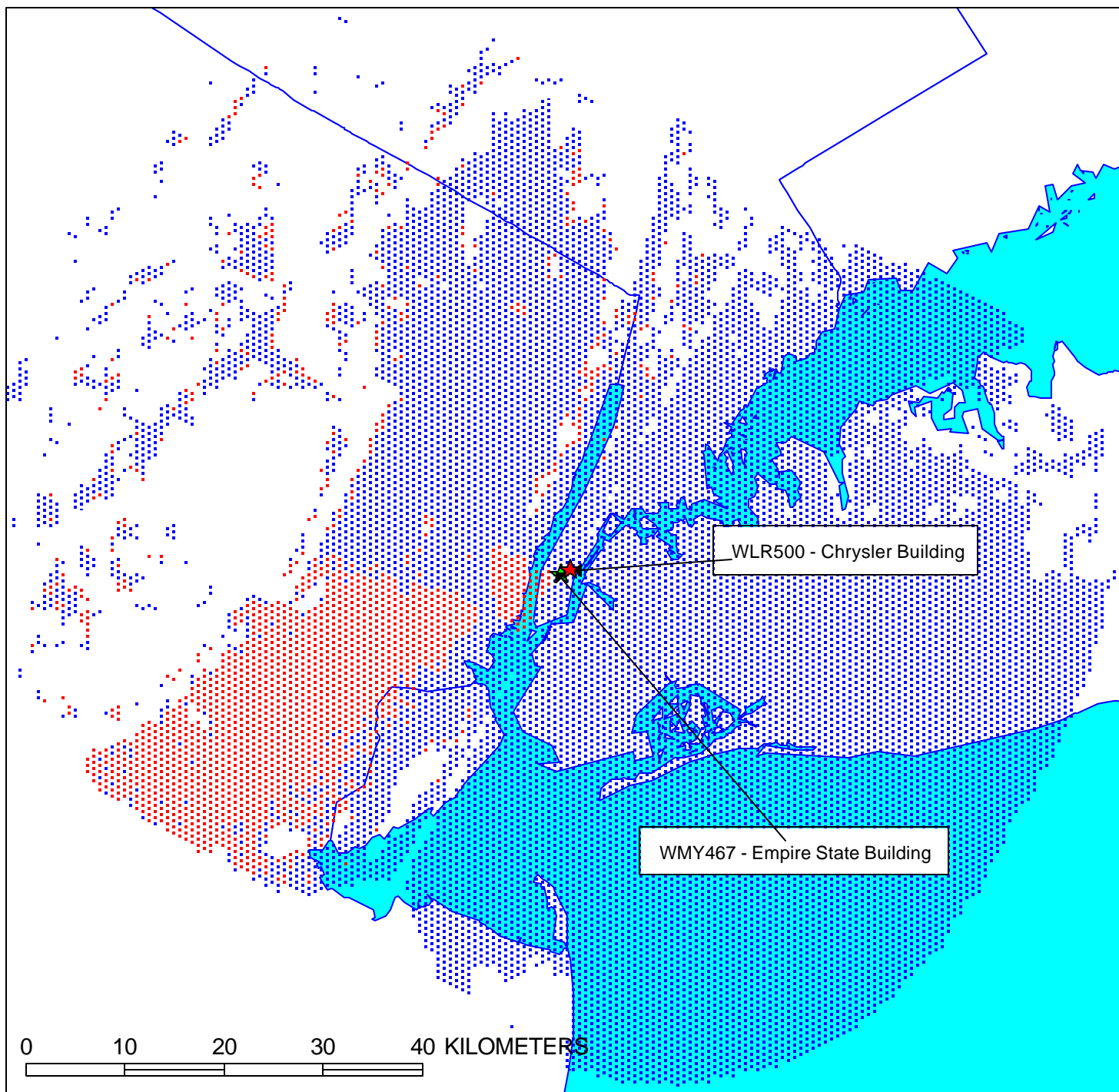
WLR500 Received Power Greater Than -70dBm
Population: 13,288,941

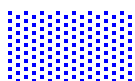


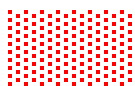
D/U Ratio Less Than 0dB
Population: 97,319

WLR500 PREDICTED SERVICE AND INTERFERENCE AREAS
WLR500 AT 4 TIMES SQUARE BUILDING
WMY467 AT EMPIRE STATE BUILDING
NEW YORK CITY, NY

FIGURE 9

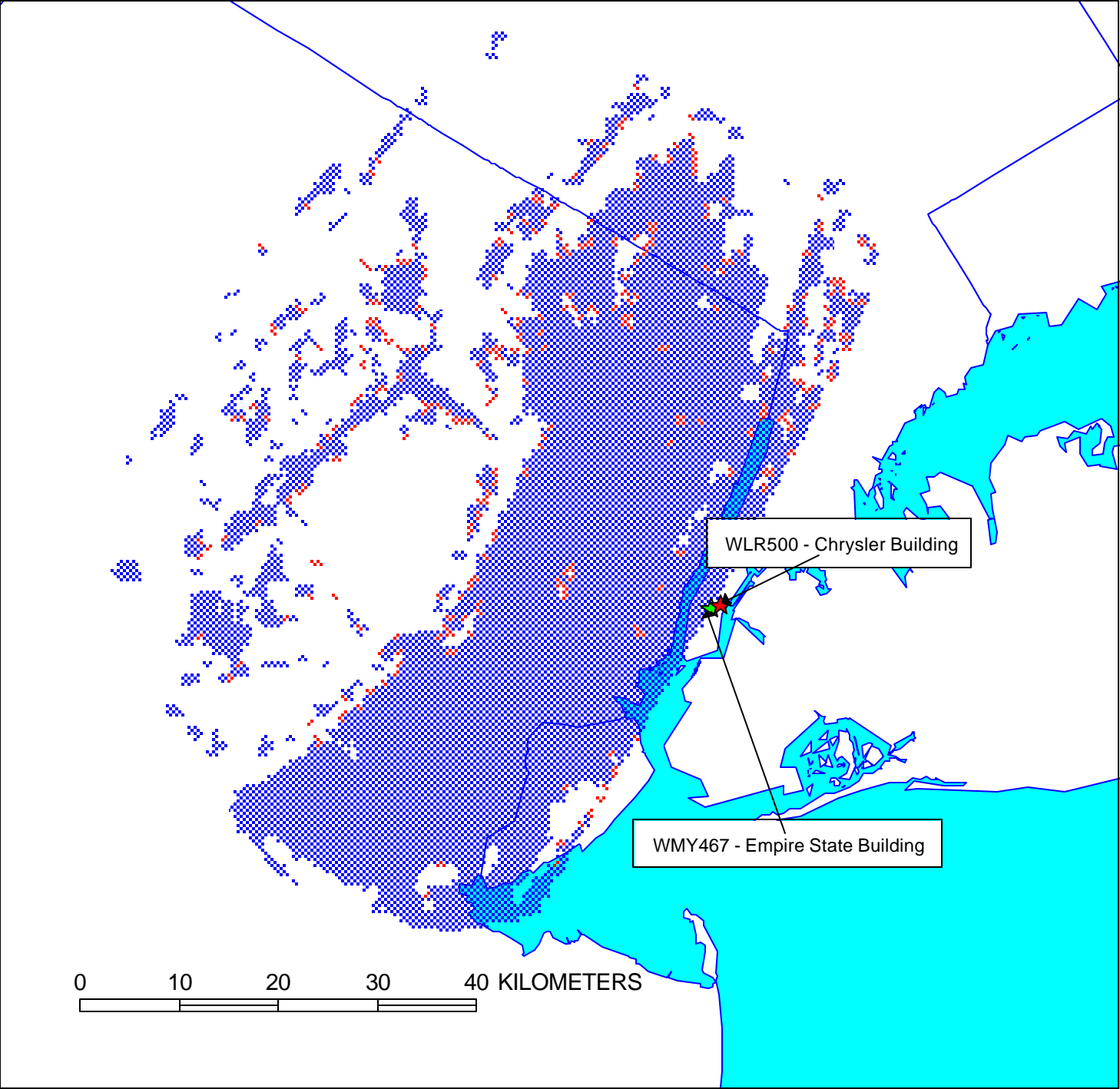


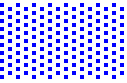
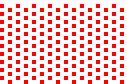
 WLR500 Received Signal Power Greater Than -70dBm
Population: 13,288,941

 Interference Area due to WMY467
Population: 1,371,370

WLR500 PREDICTED SERVICE AND INTERFERENCE AREAS
WLR500 AT CHRYSLER TOWER
WMY467 AT EMPIRE STATE BUILDING
NEW YORK CITY, NY

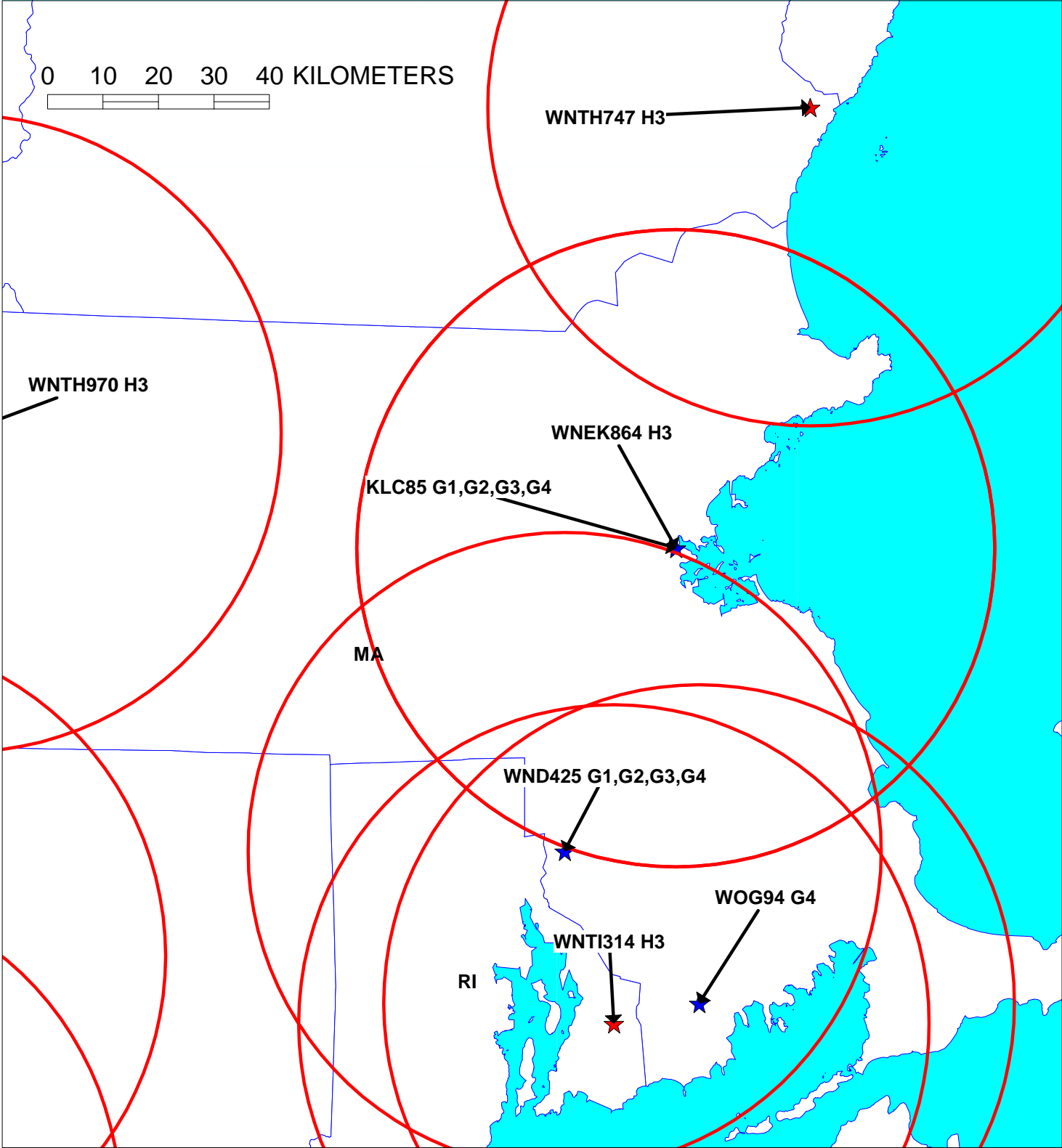
FIGURE 10



-  WMY467 Received Signal Power Greater Than -70dBm
Population: 13,288,941
-  Interference Area due to WLR500
Population: 117,167

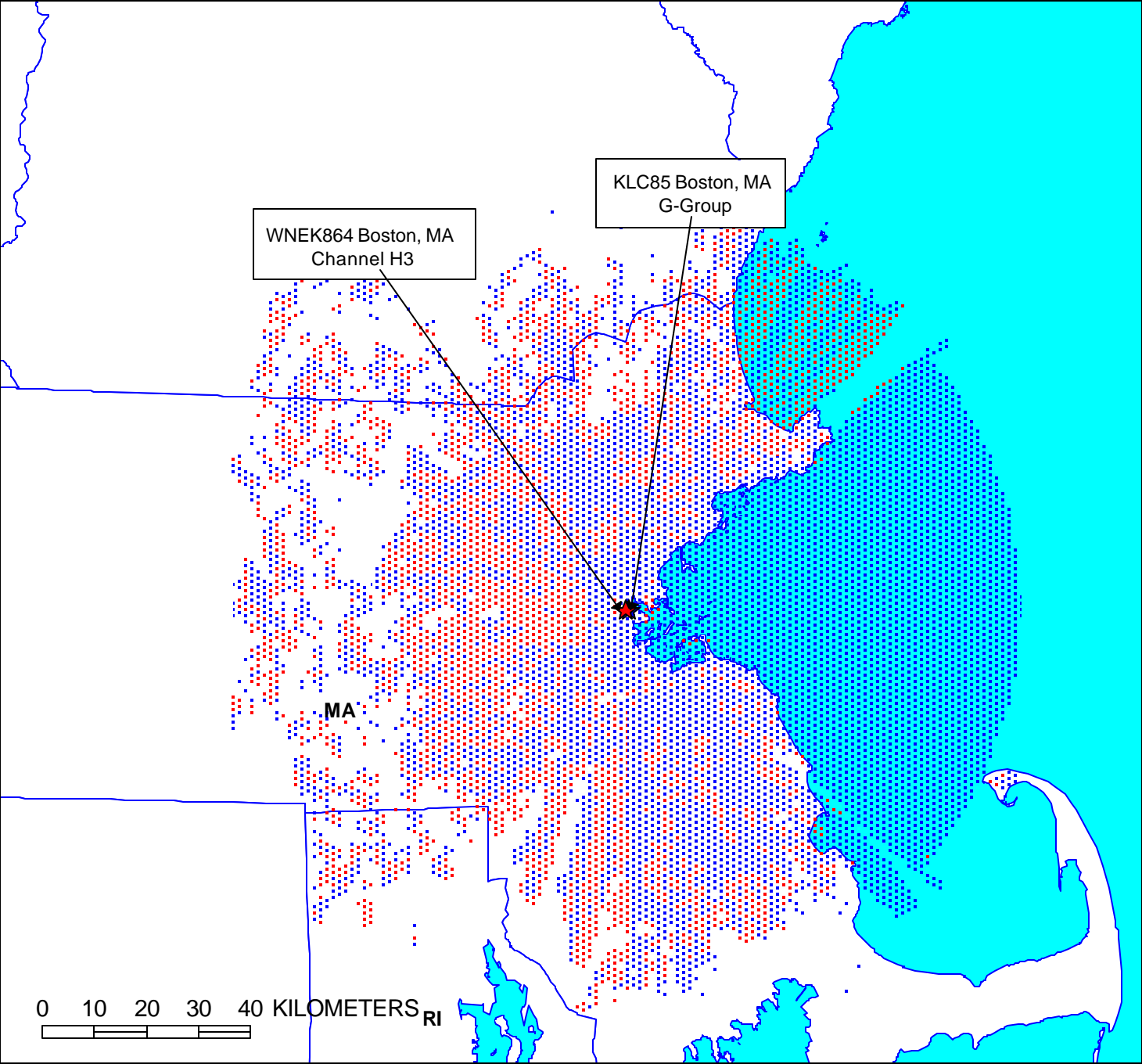
WMY467 PREDICTED SERVICE AND INTERFERENCE AREAS
WLR500 AT CHRYSLER TOWER
WMY467 AT EMPIRE STATE BUILDING
NEW YORK CITY, NY

FIGURE 11



 PSA Boundaries

FIGURE 12



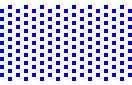
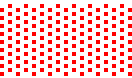
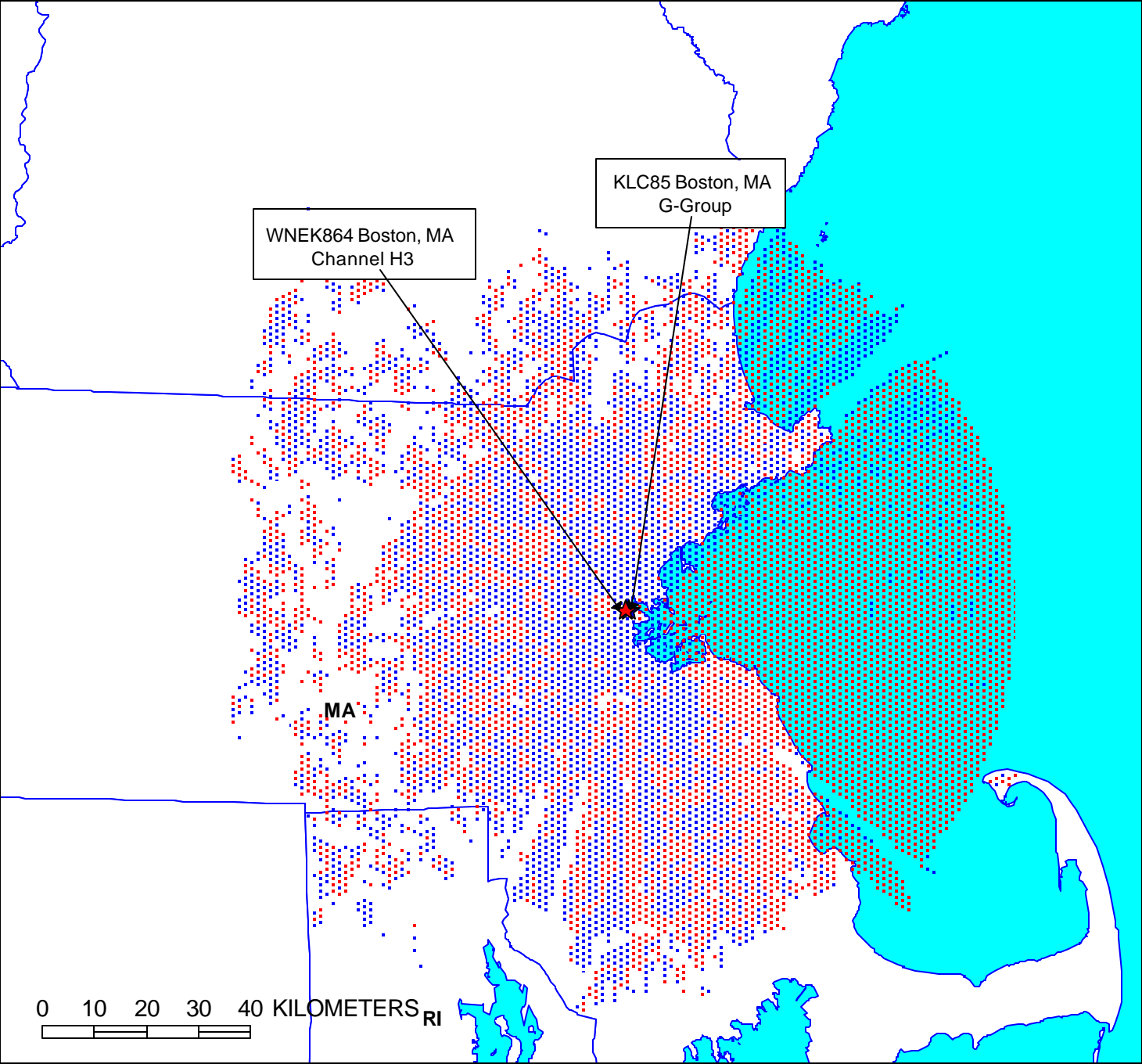
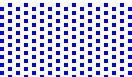
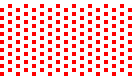
-  KLC85 Received Signal Power Greater Than -70dBm
Population: 4,257,015
-  D/U Ratio Less Than 0dB
Population: 1,025,316

FIGURE 13



-  WNEK864 Received Signal Power Greater Than -70dBm
Population: 4,273,080
-  D/U Ratio Less Than 0dB
Population: 941,520

Certificate of Service

I, Judy Norris, a legal secretary with the firm of Holland & Knight LLP, hereby certify that on November 24, 2003, copies of the foregoing "Reply to Joint Opposition" were sent via e-mail and U.S. mail, postage prepaid, to the following:

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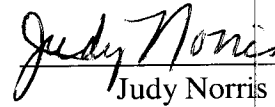
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